

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Kenneth Lee Bruske

Docket No. 294533

LC No. 06-027459-FH

David H. Sawyer  
Presiding Judge

Joel P. Hoekstra

Jane E. Markey  
Judges

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The Court orders that the motion for immediate consideration is GRANTED and the motion to file a supplemental brief is DENIED.

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the March 5, 2009, judgment of sentence and REMANDS this case for resentencing within the statutory sentencing guidelines range. In the event the sentencing court departs from such range, the court must state on the record substantial and compelling reasons to justify its departure, see *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003), and explain why the sentence imposed is more proportionate than a sentence within the guidelines recommendation would have been, *People v Smith*, 482 Mich 292, 304; 754 NW2d 284 (2008).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 28 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk